

Public Chapter 480

HOUSE BILL NO. 1160

By Representatives McMillan, Brenda Turner, Chumney

Substituted for: Senate Bill No. 1082

By Senators Haynes, Harper, Burks

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 5, relative to sexual offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-507, is amended by deleting the section in its entirety and substituting instead the following:

(a) A person does not commit an offense under this part if the victim is the legal spouse of the perpetrator except as provided in subsections (b) and (c).

(b)

(1) "Spousal rape" means the unlawful sexual penetration of one spouse by the other where:

(A) The defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon;

(B) The defendant causes serious bodily injury to the victim; or

(C) The spouses are living apart and one (1) of them has filed for separate maintenance or divorce.

(2)

(A) "Spousal rape," as defined in subdivision (b)(1)(A) or (B), is a Class C felony.

(B) "Spousal rape," as defined in subdivision (b)(1)(C) shall be punished pursuant to § 39-13-502 or § 39-13-503.

(c)

(1) "Spousal sexual battery" means the unlawful sexual contact by one (1) spouse of another where:

(A) The defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon;

(B) The defendant causes serious bodily injury to the victim; or

(C) The spouses are living apart and one (1) of them has filed for separate maintenance or divorce.

(2)

(A) "Spousal sexual battery," as defined in subdivision (c)(1)(A) or (B), is a Class D felony.

(B) "Spousal sexual battery," as defined in subdivision (c)(1)(C) shall be punished pursuant to § 39-13-504 or § 39-13-505.

SECTION 2 This act shall take effect on July 1, 1997, the public welfare requiring it.